



**GULKOWITZ BERGER LLP**

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January 17, 2022

**VIA ECF and EMAIL**

Hon. John P. Cronan  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1320  
New York, NY 10007

Re: *Zucaro et al v. Venable*, Case No. 1:21-cv-08775-JPC:  
Letter Motion to request adjournment of Initial Pretrial Conference

Dear Judge Cronan:

We represent Plaintiffs in the above-referenced action and file this letter motion to request an adjournment of the initial pretrial conference (“IPTC”) currently scheduled for January 25, 2022. We request a 30-day adjournment, until February 24, 2022, or such other time that the Court is available to hold the IPTC. This request is being made 8 days prior to the IPTC as currently scheduled in accordance with the Court’s minimum 48-hour advance notice for adjournment requests.

The reason for the request is that it took time for Plaintiffs to locate the Defendant and Defendant only recently had their counsel agree to waive service. Plaintiffs’ counsel was first contacted by the counsel identifying themselves as being retained by Defendant on January 3, 2022, and Plaintiffs’ counsel was able to file a waiver of services on January 6, 2022. In the short amount of time since then, the parties have not yet had an opportunity to discuss the substance of the case or any discovery issues. Therefore, Plaintiff requests that the IPTC be adjourned for 30 days to afford the parties an opportunity to discuss all required topics necessary for an efficient IPTC, including the possibility of settlement, scheduling, and discovery. With an adjournment, the parties would have time to discuss these matters. The parties would of course file the required joint letter and proposed case management plan 7 days prior to the adjourned IPTC.

This is the first request for an adjournment of the IPTC by any of the parties. There was a one previous adjournment of the IPTC by the Court *sua sponte* due to the parties not filing the required joint letter and proposed case management plan seven days prior to that scheduled IPTC. At that time, Plaintiffs had not been able to locate the Defendant and Plaintiffs’ counsel had no contact with Defendant or any counsel representing him. I regret the oversight in not informing the Court of those circumstances and not properly requesting an adjournment at that time.

Counsel for Defendant has consented to the adjournment request.

Wherefore, Plaintiffs respectfully request a 30-day adjournment of the IPTC, until February 24, 2022, or such other time that the Court is available to hold the IPTC.

Respectfully submitted,

**GULKOWITZ BERGER LLP**

/s/ Shaya M. Berger

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Daniel C. Herr, Esq. (via email)

Plaintiffs' unopposed request is granted. The Initial Pretrial Conference scheduled for January 25, 2022 is adjourned to March 1, 2022 at 10:00 a.m. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. The parties shall submit the joint letter and proposed case management plan and scheduling order, *see* Dkts. 4, 11, by February 22, 2022.

SO ORDERED.

Date: January 18, 2022  
New York, New York



JOHN P. CRONAN  
United States District Judge